HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 22750 OF 2006

Between:

Mohammed Suleman Khan

..... Petitioner

AND

The Municipal Corporation of Hyderabad,
Rep. by its Commissioner, Hyderabad & others

.....Respondents

:: O R D E R ::

Counsel for the petitioner : Shri Zaheer Ul Haq

Dated: 03.11.2006

Per G.S.SINGHVI, CJ

In this petition, the petitioner has prayed for issue of a mandamus to respondent Nos. 1 and 2 to inspect the property bearing municipal No. 20-4-129/10 situated at Haveli Manjhli Begum, Shah Ali Banda, Hyderabad and demolish the unauthorized construction.

The petitioner and respondent No.3 – Khaleel Bin Mohsin are the owners of property bearing Nos. 20-4-129/9 and 20-4-129/10 respectively situated at Haveli Manjhli Begum, Shah Ali Banda, Hyderabad. On 13.09.2006, the petitioner made a representation to Commissioner, Municipal Corporation of Hyderabad with the allegations that respondent No.3 has commenced illegal construction without obtaining the necessary sanction; that he has encroached public road, and that even though the officers of the Municipal Corporation visited the site, no action has been taken against respondent No.3.

We have heard learned counsel for the petitioner and Shri G. Rama Rao, learned counsel for Municipal Corporation of Hyderabad. In the past few months, we have repeatedly noticed that the complaints made by the citizens in regard to illegal constructions being raised by private individuals and encroachments made on public properties are not at all attended to by the concerned municipal authorities and, on that account, those engaged in the activity of illegal constructions and encroachments get encouragement. The people belonging to that category also seek intervention of the civil Courts and succeed in obtaining an

order of temporary injunction. This practice has given impetus to the activity of illegal constructions for which the concerned municipal authorities are largely responsible. In one of the matters, we have directed that the representation, if any made by the aggrieved citizen in the matter of illegal construction and encroachment of public properties must be attended to by the concerned municipal authorities and remedial action be taken. In the present case, no action appears to have been taken on the representation made by the petitioner on 13.09.20906. Therefore, the writ petition is disposed of with the following directions:

(i) Within seven days from today, the Commissioner, Municipal Corporation, Hyderabad should depute a responsible officer to inspect the site where the alleged illegal construction is going on.

(ii) If the concerned officer reports that the construction being made in the premises bearing municipal No.20-4-129/10 is without obtaining the sanctioned plan or in violation of the sanctioned plan, then appropriate action be taken in accordance with law to stop the illegal construction and also for demolition thereof. However, it is made clear that no order shall be passed or action be taken for demolition of the construction etcetera without giving notice and opportunity of hearing to respondent No.3.

As a sequel to disposal of the writ petition, W.P.M.P.No.28940 of 2006 filed by the petitioner for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

03.11.2006

Note:
The Court Officer is directed to give an attested copy of this order to Sri G. Rama Rao, Standing Counsel for MCH.

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